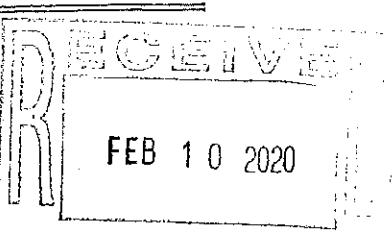


PLS  
Pro Se 14 (Rev. 09/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania



Case No.

20

781

(to be filled in by the Clerk's Office)

Robert Merritt

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-7-

Rimmer Et Al

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

All other names by which you have been known:

ID Number

Current Institution

Address

Robert Merritt

21 12130

Northampton County Prison

666 Wall Street

Easton

PA

18042

City

State

Zip Code

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Shield Number

Employer

Address

Rimmer # 415

Officer

Bethlehem Police

(City)

Co. County of Bethlehem

Bethlehem

PA

Zip Code

City

State

Zip Code

 Individual capacity  Official capacity

Defendant No. 2

Name

Job or Title (if known)

Shield Number

Employer

Address

Coris # 418

Officer

Bethlehem Police

County or City

Bethlehem Police

PA

Benslawn

City

State

Zip Code

 Individual capacity  Official capacity

Pro Se 14 (Rev. 09/16) Complaint for Violation of Civil Rights (Prisoner)

## Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

Schisler # 386

Officer

County or City Bethlehem Police

Bethlehem

PA

Penns

City

State

Zip Code

Defendant  
No. 3  
The City Individual capacity  Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

County of Bethlehem

County

Bethlehem

PA

Zip Code

Defendant  
No. 4  
Sgt. Kline  
Supervisor Individual capacity  Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

## A. Are you bringing suit against (check all that apply):

 Federal officials (a *Bivens* claim) State or local officials (a § 1983 claim)

## B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

N/A

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

R. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

### VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

Yes

No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Cent Member

Defendant(s) \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county and State)

don't know

3. Docket or index number

don't know

4. Name of Judge assigned to your case

don't know

5. Approximate date of filing lawsuit

don't know

6. Is the case still pending?

Yes

Cent Member

No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

don't know

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Pro Se 14 (Rev. 09/16) Complaint for Violation of Civil Rights (Prisoner)

 Yes No *don't know*

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuitPlaintiff(s) *don't know Plaintiff in suit*Defendant(s) *don't know*2. Court (if federal court, name the district; if state court, name the county and State)*don't know*3. Docket or index number*don't know*4. Name of Judge assigned to your case*The same as before*5. Approximate date of filing lawsuit*I don't know*6. Is the case still pending? Yes*don't know* No

If no, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

## IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

## A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2/5/2020

Signature of Plaintiff

Rob Merritt

Printed Name of Plaintiff

Rob Merritt

Prison Identification #

12130

Prison Address

666 WELWYN ST

Cester

City

PA

State

18042

Zip Code

## B. For Attorneys

Date of signing: Does not have attorney

Signature of Attorney

\_\_\_\_\_

Printed Name of Attorney

\_\_\_\_\_

Bar Number

\_\_\_\_\_

Name of Law Firm

\_\_\_\_\_

Address

\_\_\_\_\_

City

State

Zip Code

Telephone Number

\_\_\_\_\_

E-mail Address

\_\_\_\_\_



10 pages

of my paperwork  
to the Clerk of the  
United States District Court  
for the Eastern District of  
Pennsylvania

Also

Please send  
me one copy back  
This jail wont  
make any copy's for me  
a certise copy please  
Thank you

I Robert Merritt is Homeless with a  
Mailing Address in Allentown PA 18101 it is  
1101 Hamilton St suit 125 it is just a mailing address  
I am currently in Northampton County Prison now  
My living condition dose not allow me to answer  
to the Judges order on time or properly due  
to living on the Street Having nowhere to go  
This is a burden on me and a Hard ship  
And this is a lot on my Mental It is difficult  
to ~~be~~ live being on the street  
So I ask this Court to Rehill this  
as a New Complaint and I had all ready  
Had A TEP for the old one and allow  
me to use it for this one and I ask this  
Court to grant me relief in my favor  
The old docket no is 18-cv-2910 The Court are not suppose to  
leave a burden on the citizen

5LS

IN The UNITED STATES DISTRICT COURT  
for the  
Eastern District of Pennsylvania

Robert Merritt 12130  
vs.

Docket No  
20 781

- ① Rimmer # 415
- ② Coris # 419
- ③ schwalzer # 386.
- ④ County of Bertham
- ⑤ City of Bertham
- ⑥ any there supervisor

To the Honorable Judge

Reason UNconstitutional

I Reserv all rights  
to amend complaint  
and refile

## Affidavit of TRUTH

(P1)

On or about May 20, 2018 The defendant's stop me without a warrant knowlly willfully and intentionally deprived me of my Constitutional Rights I was ~~legally~~ Illegally detain for over 30 min or more for this unwanted stop The defendant ~~Rimmer~~ claim He stop me for A driver side ~~view~~ mirror that was crack The motor ~~vehicle~~ Vehicle Book of PA Codes says that you are allowed to have ~~any~~ two mirror <sup>one</sup> overlapping ~~on~~ on your ~~car~~ So this means that this does not cause any danger to the public or nor the Driver ~~was~~ ~~not~~ ~~at~~ ~~fault~~ ~~and~~ This is Not a traffic violation so agin my Constitutional Right to travel ~~freely~~ without infringement has been violated These ~~defendant~~ have converted my Right into A Crime and the state ~~can~~ can not convert A Right into A Crime without a warrant This is unconstitutional also the claim of the ~~law~~ excersising of A Constitutional Right can not be converted into a Crime in which this was done A wrong full doing and ~~wrongfull~~ ~~done~~ by these defendants ,

I was force ~~and~~ subjected to a warrantless stop I was stop into servitude once unconstitutional by the defendant

Also for a crime to ~~exist~~ exist there must be <sup>(P)</sup> an injured party if there is no injured party there is ~~no~~ no crime the only injury was me from the ~~def~~ defendants violating my constitutional right and depriving me from traveling infringement again the stop was unwanted and unreasonable stopping me from doing ~~my business~~ business and taking care of my responsibility

I was deprived of that business and taking care of my responsibility

Also I was sexually assaulted ~~as~~ ~~sexual~~ ~~assault~~

Sexually Harassed ~~I was put in grave fear of my life~~  
by the defendant <sup>I was scared to death</sup> Rimmer this issue

was never address by the courts also in the law dictionary

It say the meaning of an assault is a touch ~~that~~

That is assault I was assaulted 3 ways by touch and

Sexually all of the defendant were ~~wife~~ or at <sup>this is</sup> co-conspirator ~~wife~~ or at

Consort was black to stop a black man <sup>discrimination</sup> ~~discrimination~~

which is true this need to be investigated <sup>and bias</sup> ~~and bias~~

Instead of serving me or protecting me where I'm suppose to

~~to~~ ~~the~~ I have equal protection of the law and this was unconstitutional I was scared for my life I thought

The min if I was illegal for this illegal stop I would be harmed for my life I thought

to submit to the encroachment I had to before

~~the~~ This is ~~in~~ voluntary unwanted contact

to be held this was all against my will served under I did not want

See *Monell v. Dept of Soc. Servs.* 436 U.S. 658, 690, 98 S.Ct. 2018, 2035-36, 56 L.Ed.2d 611, 635 (1978) (holding that municipalities and local governments are considered "person" under Section 1983)

See *Heper v. Melo* 502 U.S. 21, 31, 112 S.Ct. 358, 365, 116 L.Ed.2d 301, 313 (1991) (finding state officials sued in their individual capacities to be "person" within the meaning of Section 1983, and not absolutely immune from personal liability or barred from being sued under the Eleventh Amendment)

See *Bd of the City Commiss v. Brown* 520 U.S. 397, 411, 117 S.Ct. 1382, 1392, 137, L.Ed.2d 626, 644 (1997) holding that a municipality may be liable for hiring decisions under a deliberate indifference standard if a degree of screening at the employee alleged to have violated the plaintiff's rights would have made it clear to a reasonable policymaker that hiring the employee was highly likely to result in the particular type of constitutional violation alleged by the plaintiff

Also *City of Canton v. Harris*, 489 U.S. 378-89, 109 S.Ct. 1197, 1204-05, 103 L.Ed.2d 412, 426-27 (1989)

holding that a city could be liable under Section 1983 for failing to train employee if the failure amounted to deliberate

Constitutional Rights are guaranteed by the US Constitution allow me to sue ~~the~~ someone who violates my rights if the person is acting under color of law meaning the defendant was acting under the state's authority

The Supreme Court has ruled that most of its guarantees also protect citizens against state governments.

See *Ingraham v. Wright*, 430 U.S. 651, 673 n.42, 975. Ct. 1414 n.42, 51 L. Ed. 2d 711, 731 n.42 (1977) (noting that the fourth Amendment was incorporated against the states by the Fourteenth Amendment)

See ~~Monroe v. Pepe~~, 365 U.S. 167, 174, 815 Ct. 473, 477, 5 L. Ed. 2d 492, 498 (1961)

Monroe v. Pepe, 365 U.S. 167, 173-74, 815 Ct. 473, 477, 5 L. Ed. 2d 492, 498 (1961)

Also I have a right to be free from assault from the defendant Rimmer

*Burns v. Reed* 500 U.S. 478, 485-96, 111 S. Ct 1934, 1944-45

111 L. Ed. 2d 542, 564-65 (1991) See *Supreme Court v. Consumers Union of the U.S.*, 719, 736, 100 S. Ct 1967, 1977, 64 L. Ed. 2d 641, 656 (1980) (Injunction relief)

*Monell v. N.Y. City Dept. of Social Servs.*, 436 U.S. 657, 98 S. Ct. 2018, 56 L. Ed. 2d 611 (1978)

⑨ p

Suits for INJUNCTIVE relief against state officials  
in their official capacities are said to fall within  
the Ex parte Young doctrine. Ex parte Young the supreme  
Court said that state officials can be sued for an  
INJUNCTION in federal court even though the state  
itself ~~can not~~ be sued. Ex parte Young. 209 U.S. 123, 155-56, 28 S.Ct.  
441, 452, 52 L. Ed. 714 (1908)

Paul May

SVS

IN The United States District Court  
Western <sup>for the</sup> District of Pennsylvania

77

MOTION for DISCOVERY

Robert Morris  
vs  
Rimmer B&L

Give the Body Cens of  
The Incident or event

Docket No.

20 781

To the Court or about May 20, 2018 I ask this Court  
to order the body Cens of the Incident or  
the event every thing that Happen that day  
To be sent to the Judge for review and  
To the Plaintiff and my and Q11 Statement  
made by ~~defendants~~ defendants Q11  
mentioning every thing in there power to  
be sent to the Judge and me

Robert Morris

525  
DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: \_\_\_\_\_ 666 Walnut Street, Easton, PA 18042

Address of Defendant: \_\_\_\_\_

Place of Accident, Incident or Transaction: \_\_\_\_\_ Northampton

## RELATED CASE, IF ANY:

Case Number: 20-739 Judge: Schmei Date Terminated: \_\_\_\_\_

Civil cases are deemed related when Yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

I certify that, to my knowledge, the within case  is /  is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 02/10/2020

*Daniel McConnell*

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

## CIVIL: (Place a √ in one category only)

## A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights 550
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases  
(Please specify): \_\_\_\_\_

## B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): \_\_\_\_\_
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases  
(Please specify): \_\_\_\_\_

## ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, \_\_\_\_\_, counsel of record or pro se plaintiff, do hereby certify:

- Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

315

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Merritt : CIVIL ACTION

v. :  
:

NO. **20** **781**

Rimmer, et. al.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

(a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255.

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits.

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2.

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos.

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.

(f) Standard Management – Cases that do not fall into any one of the other tracks. **550**

FEB 10 2020

Date

Dennis McGinnis

Deputy Clerk

Attorney for

Telephone

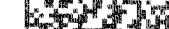
FAX Number

E-Mail Address

**COUNTY OF NORTHAMPTON  
Northampton County Jail  
666 Walnut Street  
Easton, Pennsylvania 18042**

Robert Merritt 12130

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02/07/2020  
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04114  
For the Eastern District of Pennsylvania  
601 Market St  
Philadelphia PA 19106

ZIP 18042  
0411M12251034

**INMATE MAIL** This correspondence is from a County Jail and the sender is an inmate. The contents have not been evaluated. Northampton County Jail is not responsible for the contents or debts incurred.